

**73-10-1 State's policy -- Creation of revolving fund -- General construction of act.**

- (1) The Legislature of the state of Utah having heretofore declared by Section 73-1-1, Utah Code Annotated 1953, that, "All waters of this state, whether above or under the ground are hereby declared to be the property of the public, subject to all existing rights to the use thereof"; and further, by Section 73-1-3, Utah Code Annotated 1953, that "Beneficial use shall be the basis, the measures and the limit of all rights to the use of water in this state"; and further, by Section 17B-2a-1002 that the policy of the state is, "To obtain from water in Utah the highest duty for domestic uses and irrigation of lands in Utah within the terms of interstate compacts or otherwise," now by this act reiterates and reaffirms such declaration of the public policy of the state of Utah.
- (2) It is further declared to be the policy of this chapter and of the state of Utah, and the legislature recognizes:
  - (a) that by construction of projects based upon sound engineering the waters within the various counties of the state of Utah can be saved from waste and increased in efficiency of beneficial use by 25% to 100%;
  - (b) that because of well-known conditions such as low prices and lack of market for farm products, particularly the inefficiency of water supply because of lack of late season water and consequent lack of financial strength, water users in small communities have been unable to build projects that would provide full conservation and beneficial use for the limited water supply in this semiarid land;
  - (c) that water, as the property of the public, should be so managed by the public that it can be put to the highest use for public benefit;
  - (d) that Congress of the United States has provided for the building of larger water conservation projects throughout the semiarid states, payment of the capital costs without interest to be made by the water users upon the basis of a fair portion of crop returns;
  - (e) that the Congress of the United States has established in the department of interior and in the department of agriculture, various agencies having authority to develop, protect, and aid in putting to beneficial use the land and water resources of the United States and to cooperate with state agencies having similar authority;
  - (f) that the interests of the state of Utah require that means be provided for close cooperation between all state and federal agencies to the end that the underground waters and waters of the small streams of the state, and the lands thereunder, can be made to yield abundantly and increase the income and well-being of the citizens of the state;
  - (g) that it appears to be sound public policy for the state of Utah to provide a revolving fund, to be increased at each legislative session, to the end that every mountain stream and every water resource within the state can be made to render the highest beneficial service, such fund to be so administered that no project will be built except upon expert engineering, financial, and geological approval.
- (3) All of the provisions of this chapter shall be liberally construed so as to carry out and put into force and effect the purposes and policies as hereinabove set forth.

Amended by Chapter 329, 2007 General Session